

## R E M A R K S

Claims 1, 2 and 7-10 are now in this Application, and are presented for the Examiner's consideration.

### Prior Art Rejections

Claims 1, 2 and 7-11 were rejected under 35 U.S.C. §103(a) as being obvious from U.S. Patent No. 3,636,938 to Faltersack in view of U.S. Patent No. 6,155,162 to Wang.

Faltersack was cited for disclosing all claimed limitations except wherein a top quarter of a circumference of the other tube facing the one tube has slots to match the number of holes for accommodating opposite ends of the rods such that the opposite ends of the rods cannot be lifted vertically out of the slots of the other tube.

For this reason, Wang was cited for disclosing a grill rack with two rectangular brackets with one of the brackets having slots 40. It was stated that the shape of the rectangular bracket versus the shape of the tube is irrelevant with regard to facilitating the task of assembly and avoiding vertical lifting.

It is first noted that claim 1 has been amended to more clearly define the slots at the top quarter of the circumference of one tube. According to the present application, the slots run through an angle of 90° from the top vertex line of the tube through to the side vertex line facing the other tube. See page

3, lines 10-12 of the present application for support thereof. This arrangement makes it possible to insert the ends of the rods into the slots easily, but to secure them reliably after the insertion by the tightening mechanism.

As claimed, the tubes have a certain diameter. When the tightening mechanism is loose, it is possible to insert the ends of the rods by just laying them into the slots from the top vertex of the tube. In this situation, the rod could still easily fall out of the slot.

However, by fastening the tightening mechanism, the two hollow tubes approach each other. This approaching movement is stopped when the ends of the inserted rods abut the inner circular walls of the first and second tubes. In this situation, a tight fastening arrangement of the rods together with the tubes is achieved. At this time, however, it is not possible to lift one end of the rods out of the slots.

For further explanation, enclosed is a drawing as Exhibit A with the cross section of the first and second tubes, showing one rod in different positions during the insertion process. Thus, in the top drawing, the end of the rod is easily inserted into the slot and can still be removed in the same way. Then, in the middle drawing, the tubes approach each other, until they reach the position shown in the lower drawing. At this point, the end of the rod cannot be lifted out of the slot, and it is securely

held in the tube. This is because the slot extends only from the top vertex line of the tube through to the side vertex line facing the other tube, through a 90° angle.

For this mechanism, the following features are indispensable:

A) the tubes should have a hollow profile with a certain diameter, especially in the extending direction of the rods;

B) the slots run in the circumferential direction of the tube and extend only over a small portion of its circumference (for example, if the slots would extend over one half of the circumference, the rods could still fall out in their final position);

C) the tightening mechanism must be arranged for pulling together the two tubes, that is, for bringing them toward each other.

It is respectfully submitted that these features cannot be taken from Wang for a number of different reasons.

First of all, it is to be noted that the barbecue rack according to Wang requires a fixed frame. The elements referred to by the reference number 17 are just for piercing the food and do not represent structural parts. In fact, these sticks can easily be pulled out (which is an important feature when using the barbecue rack according to Wang).

It was stated that the brackets are rectangular in cross section. However, in Wang, the supporting brackets are described as L-shaped, meaning that they are not hollow and do not have a diameter. Consequently, there is no abutment to any wall of these brackets in the final position of the sticks. The sticks are not fixed in the brackets by any means.

In fact, there are slits provided in the brackets. However, as shown in Fig. 3B of Wang, the slits have a different form and function. There is a hook-like element to keep the ends of the sticks in their position when the rack is turned over. However, the end of one rod of Wang can easily be lifted if it slips under the end opening of the position hole (indicated in Fig. 3B), and therefore, can be removed while the grill is assembled. This is clearly inferior to a fastening arrangement according to the present invention, which holds the rods safe in their positions at all times, and in which the rods can never be removed until the grill is disassembled.

The arrangement of the slots as a feature for fastening the rods takes advantage of the hollow cross section of the tubes in the case of a grill which is collapsible by putting its parts together in one tube. It is very simple and easy to use. The solution of Wang cannot be simply transferred to such a collapsible picnic grill, as it just proposes a form for the slots which cannot be easily adapted to the circular cross

section of the tubes. A fastening arrangement is completely missing. Thus, the arrangement of Wang could not be combined with that of Faltersack.

In this regard, claim 1 has been amended to specifically claim this aspect of the present invention by specifically reciting:

a) each of the hollow first and second tubes has a cylindrical cross section,

b) the slots run in a circumferential direction of the other tube through an angle of  $90^\circ$  from a top vertex line of the other tube through to a side vertex line facing the one tube such that when the two tubes are pushed towards each other after inserting the rods, the rods extend far enough into the other tube to ensure that the rods cannot be lifted vertically out of the slots of the other tube.

Clearly, these limitations are not disclosed or even remotely suggested by Faltersack or Wang.

Further, these limitations are not disclosed or even remotely suggested in the other references cited against the remaining claims.

U.S. Patent No. 3,461,634 to Earl was cited for disclosing unbroken longitudinal slits in the tubes. However, there are no slots that extend in the circumferential direction over a  $90^\circ$

angle from a top vertex line to a side vertex line, as now claimed.

U.S. Patent No. 3,191,592 to Lorbacher was cited for disclosing channels 24, 25, with channel 24 having holes for the rods and channel 25 having slots 30 for the other ends of the rods. Again, however, there are no slots that extend in the circumferential direction over a 90° angle from a top vertex line to a side vertex line, as now claimed.

U.S. Patent No. 934,557 to Mathewson was cited for disclosing two tubes C with unbroken longitudinal slits and slots D where the rods B fit in. Clearly, however, the holes or sockets D are not slots that extend in the circumferential direction over a 90° angle from a top vertex line to a side vertex line, as now claimed.

Accordingly, it is respectfully submitted that the rejection of claims 1, 2 and 7-11 under 35 U.S.C. §103(a) has been overcome.

Claims 4 and 12-17 were rejected under 35 U.S.C. §103(a) as being obvious from Faltersack in view of U.S. Patent No. 3,461,634 to Earl and further in view of U.S. Patent No. 3,191,592 to Lorbacher and newly cited U.S. Patent No. 934,557 to Mathewson.

However, these claims have been canceled, thus rendering this rejection moot.

Accordingly, it is respectfully submitted that the rejection of claims 4 and 12-17 under 35 U.S.C. §103(a), as applied to amended claim 1, has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

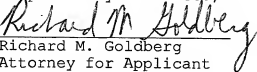
In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 2 and 7-10 are allowable,

and early and favorable consideration thereof is solicited.

Respectfully submitted,

  
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Enclosure: Exhibit A